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16 IN THE UNITED STATES DISTRICT COURT
17
18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 CASE NO. 2:21-CR-00184-TLN

21 Plaintiff,

22 STIPULATION REGARDING EXCLUDABLE
23 TIME PERIODS UNDER SPEEDY TRIAL ACT;
24 FINDINGS AND ORDER

25 v.

26 DATE: January 5, 2023

27 TIME: 9:30 a.m.

28 COURT: Hon. Troy L. Nunley

ADAN MAYORAL ET AL.,
Defendants.

16
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
19 through defendants' counsel of record, hereby stipulate as follows:

20 1. By previous order, the Court set a status conference in this matter for January 5, 2023.

21 2. By this stipulation, defendants now move to continue the status conference until January
22 26, 2023, at 9:30 a.m., and to exclude time between January 5, 2023, and January 26, 2023, under Local
23 Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes audio and video files, photographs, investigative reports and related documents,
27 criminal history documents, and other paper documents. Initial discovery has been either
28 produced directly to counsel and/or made available for inspection and copying.

1 b) In light of the discovery, and based on both defendants' counsel's investigation
2 concerning the defendants' circumstances, counsel for both defendants desire additional time to
3 consult with their clients, to review the current charges, to conduct investigation and research
4 related to those charges, to obtain additional records related to this matter, to review and copy
5 discovery for this matter, to inspect physical evidence seized and/or otherwise available
6 concerning this matter, to discuss potential resolutions with their clients, to consider and/or
7 prepare pretrial motions, and to otherwise prepare for trial.

8 c) Counsel for defendants believe that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of January 5, 2023 to January 26,
17 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendants' request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendants in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 30, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ALSTYN BENNETT
ALSTYN BENNETT
Assistant United States Attorney

Dated: December 30, 2022

/s/ RONALD PETERS
RONALD PETERS
Counsel for Defendant
ADAN MAYORAL

Dated: December 30, 2022.

/s/ SHARI L. RUSK
SHARI L. RUSK
Counsel for Defendant
JESUS LUNA

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 3rd day of January, 2023.


Troy L. Nunley
United States District Judge